

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

DON JUAN STAPLES, BEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0377

EVAN WILSON and
HURRICANE POLICE DEPARTMENT,

Defendants.

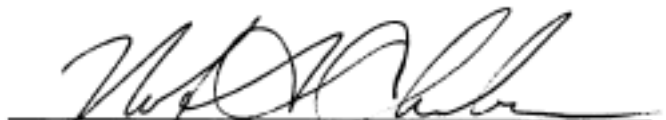
MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that Defendants' Motions to Dismiss (ECF Nos. 8, 14) be granted, and that this civil action be dismissed, with prejudice, and removed from the docket of this Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Defendants' Motions to Dismiss (ECF Nos. 8, 14) be **GRANTED**, and that this civil action be **DISMISSED**, with prejudice, and removed from the docket of this Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 1, 2023

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE